

STAFFING

1. REASON FOR ISSUE: This issuance contains revised Department of Veterans Affairs (VA) procedures regarding utilization of Title 38 employees appointed under 38 U.S.C. 7405, and the placement of part-time Title 38 physicians on adjustable work hours.

2. SUMMARY OF CONTENTS/MAJOR CHANGES: The handbook contains new mandatory VA procedures related to utilization of Title 38 employees and for placement of part-time Title 38 physicians on adjustable work hours. Pages in this change replace corresponding page numbers in part II, chapter 3 of VA Handbook 5005, dated August 12, 2005. These changes are effective on upon certification, insert date of first day of first pay period occurring on or after certification, and will be incorporated into the electronic version of VA Handbook 5005, Staffing, that is maintained on the [Office of Human Resources Management website](#). Significant changes include:

- a. Authorization to verify licensure, certification, or registration electronically, where appropriate.
- b. A requirement to periodically review part-time and intermittent appointments, and, where appropriate, to adjust such appointments to appropriately reflect utilization.
- c. A requirement that part-time title 38 physicians on adjustable work hours sign a memorandum related to service level expectations as specified in VA Handbook 5011, Hours of Duty and Leave. Such memoranda do not alter the applicability of VA regulations and procedures concerning terms, conditions, and duration of employment, nor do these memoranda constitute employment contracts.

3. RESPONSIBLE OFFICE: The Recruitment and Placement Policy Service (059), Office of the Deputy Assistant Secretary for Human Resources Management and Labor Relations.

4. RELATED DIRECTIVES: Accompanying this change is a change to VA Handbook 5007, "Pay Administration," a revised VA Directive 5011, "Hours of Duty," and a change to VA Handbook 5011, "Hours of Duty."

5. RESCISSIONS: None.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

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applicant lists as active, current, full and unrestricted as well as license(s) or registration(s) the applicant lists which were held at any time in the past and which have been allowed to lapse or which are no longer current for any reason.

(2) [RTs, OTs, and EFDAs] must present evidence of registration or certification by the appropriate national certifying body prior to appointment for verification by the official(s) designated by the facility Director. This will be documented on VA Form 10-2850c.

(3) PAs must present evidence of certification by the appropriate national certifying body prior to appointment for verification by the official(s) designated by the facility Director. This will be documented on VA Form 10-2850c, "Application for Associated Health Occupations." Licensure is required for PAs to practice outside VA in some States, although it is not required for VHA employment. If a PA claims licensure in any State(s), the official(s) designated by the facility Director will verify licensure status with the State licensing board(s) as a part of the credentials review.

(4) For candidates with recent employment in a State in which no licensure or registration is indicated on the application form, the State board should be contacted to assure that no restriction or revocation has occurred.

c. **Impaired Licensure.** Appointing officials may approve the appointment or reappointment of an individual covered by this paragraph who has previously had an impaired license, registration or certification, provided the candidate currently has full/unrestricted license/registration.

17. CONTINUING LICENSURE, REGISTRATION, AND/OR CERTIFICATION REQUIREMENTS FOR EMPLOYEES

a. Verification of Primary License

(1) The expiration date of an appointee's primary license, registration and/or certification, as appropriate, will be coded for follow-up purposes as provided in VA Manual MP-6, part V, supplement No. 1.5 (PAID). The appointee will specify the State in which primary licensure is claimed. The facility Director will designate the official(s) who will be responsible for the follow-up verification of these credentials. For this purpose, verification will consist of sighting evidence of renewal. VA Form 4682, Certification of Licensure, Registration, or Bar Membership, [may be used. However, facilities may also verify licensure, certification, and registration by electronic means where appropriate. Documentation of verifications] will be filed on the right side of the employee's personnel folder.

(2) Only the initial [and latest] verification [] are required to be on file. No follow-up expiration date need be coded for employees whose registration or certification is issued on a one-time basis for whom there is no continuing requirement to maintain currency. (See pars.13 to 16 for licensure verification requirements on initial appointment.)

b. **Other Verification.** Individuals with multiple licenses, registrations, and/or certifications are responsible for maintaining these credentials in good standing and of informing the Director or designee of any changes in the status of these credentials. The Director is responsible for establishing a mechanism for assuring that such multiple licenses, registrations and/or certifications are consistently

b. **Duration of Appointments.** Temporary full-time appointments may be made for any period up to 3 years depending on the needs of the service. Such appointments may be renewed, but the aggregate period of temporary service normally will not exceed 6 years. The facility Director may grant exceptions to permit renewals (in increments of up to 3 years) beyond 6 years when this type of appointment best meets the needs of the VA medical program.

c. **Consideration for Probationary or Permanent Appointment.** Individuals serving under this type of appointment who meet requirements in 38 U.S.C. 7402 and in the appropriate VA qualification standard may be considered at any time by a board for an appointment under 38 U.S.C. 7401(1) or 7401(3), as appropriate, on recommendation of the appropriate service chief or equivalent position. If their services are needed for an indefinite period, they should be considered for such an appointment in connection with any consideration for an additional 3-year appointment.

d. **Processing.** Applicants for temporary full-time appointments will be processed in the same manner as regular full-time appointees, except the qualifications of nurse, nurse anesthetist, PA, and Hybrid Title 38 applicants being considered for temporary full-time appointments pending processing of a probationary appointment will be reviewed by the appropriate service chief or equivalent position. The service chief will make a recommendation for appointment to the facility Director. Action by a board is not required for renewal of a temporary appointment.

2. PART-TIME AND INTERMITTENT APPOINTMENTS UNDER 38 U.S.C. 7405(a)(1)

a. Use of Part-Time and Intermittent Personnel []

[(1) It is VHA policy to use the services of qualified individuals on a part-time or intermittent basis when necessary to alleviate recruitment difficulties and in all cases where VHA work requirements do not support employment on a full-time basis. Decisions concerning utilization of part-time or intermittent employees must be related to patient care and other VA work requirements and supported by relevant staffing guidelines. Part-time physicians on adjustable work hours are also to be held accountable for providing the expected level of patient care and other services to VA as outlined in the Worksheet for Determining Percentages on Memorandum of Service Level Expectations, Appendix B VA Handbook 5011.

(2) A part-time appointment shall be utilized when an employee's services are required on less than a full-time basis. An intermittent appointment shall be used when the need for services is of such a nature that it is not possible or desirable to establish a regular and prearranged schedule.

(3) Part-time or intermittent appointments may be made either on a time-limited basis or without time limit depending on the needs of the facility.

(4) Part-time and intermittent appointments shall be reviewed on a regular periodical basis and when vacancies occur and when there are significant workload changes to ascertain whether the utilization specified is realistic and meets the objectives of the organizational unit's staffing plan. Network and medical center directors must document each review assessing whether or not the position meets VA's needs. When actual utilization does not meet original expectations, the appointment action shall be amended to show the new conditions of utilization. For part-time physicians on adjustable work service level agreement.]

b. **[Special Provisions for Part-Time Physicians on Adjustable Work Hours.** Part-time physicians on adjustable work hours must sign a memorandum related to service level expectations as outlined in VA Handbook 5011, Hours of Duty and Leave. Physicians may decide to discontinue complying with the Memorandum of Service Level Expectations at any time. However, this must be done in writing as a current, signed memorandum related to service level expectations is required to participate in adjustable work hours. In addition, a memorandum related to service level expectations does not alter the applicability of VHA regulations and procedures concerning terms, conditions, and duration of employment, nor does this memorandum constitute an employment contract.]

c. **Processing Appointments**

(1) Part-time and intermittent appointments made under authority of 38 U.S.C. 7405(a)(1) will be processed (including board action) in the same manner as regular full-time appointments. Appointees must meet the basic requirements for appointment in VHA.

(2) [For part-time employees, the expected number of hours to be performed during the service year will be determined before an appointment is effected. The expected number of hours will also] be recorded on SF 50-B and will not be exceeded unless the facility Director authorizes the excess. The appointment will be effected in accordance with VA Manual MP-6, part V, supplement No. 1.5. []

(3) A part-time or intermittent employee may not be scheduled for employment which will exceed [1300 hours or five-eighths] of full-time employment during a service year. Exceptions to this limitation may be approved on an individual basis by the facility Director [or designee. Exceptions may be approved] when such arrangements are in the best interest of VA with the assurance that, on this basis, VA patient care needs will be adequately met. [Generally, for employees who hold more than one type of appointment (i.e., fee basis and part-time or intermittent), the combination of basic pay and fees may not exceed the basic salary of a seven-eighths part-time employee in the same grade and step in a fiscal year.] (See VA Directive and Handbook 5007, Pay Administration.)

3. UTILIZATION OF CONSULTANTS AND ATTENDINGS

a. **General.** This paragraph contains procedures for the employment of consultants and attendings on an individual basis under the authority of 38 U.S.C. 7405(a)(1) or (2).

b. **Definitions**

(1) **Consultant.** A well-qualified specialist in an occupation identified in 38 U.S.C. 7401(1) or (3) who is capable of giving authoritative views and opinions on subjects in the consultant's particular field. A consultant's expertness may consist of broad administrative or professional experience enabling the consultant to give advice of distinctive value.

(2) **Attending.** An individual in an occupation identified in 38 U.S.C. 7401(1) or (3) of demonstrated ability in the field who is employed to perform or supervise the performance of duties related to various professional activities such as teaching, patient treatment, etc.

(3) **Nonmedical Consultant.** An individual, not in one of the occupations indicated in subparagraphs (1) and (2), who has excellent qualifications and a high degree of attainment in the

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consultant's field. Because of superior knowledge and mastery of principles and practices, the consultant is regarded as an authority or practitioner of unusual competence.

(4) **Lump-Sum Fee.** A method of paying consultants and attendings by the payment of a flat sum for each visit or period of service rendered. (It consists of the fee for services to be rendered, plus the cost of transportation if required, and per diem at the applicable rate if travel is involved. The service fee is that portion of the fee exclusive of travel and per diem allowances.

(5) **Per Annum Salary.** A method of paying consultants and attendings on a per annum basis. The salary is computed by multiplying the number of projected visits to be made during the year by the fee authorized per visit.

(6) **Salary Limitation.** A ceiling placed on the amount of compensation a consultant or attending may receive from VA during the fiscal year.

(7) **Visit.** Attendance at a VA facility for consultation or conference work of a continuing nature dealing with one or more cases or matters of a professional nature. If a visit is interrupted by an overnight break, services performed on subsequent days are counted as additional visits.

c. Appointment and Reappointment Approving Authorities

(1) The Under Secretary for Health or Designee is the approval authority for appointments and reappointments of Central Office consultants.

(2) The facility Director is the approval authority for appointments and reappointments not requiring approval of the Under Secretary for Health or designee.

d. Types of Utilization

(1) **Authority.** Consultants and attendings, including nonmedical consultants, are normally employed under the authority of 38 U.S.C. 7405(a)(1) and 7405 (a)(2). Section 7405(a)(1) will be used for all consultants and attendings paid on a per annum basis and section 7405(a)(2) for those paid on a lump-sum fee basis.

(2) Methods of Pay

(a) **Per annum.** Employment of consultants and attendings on this basis is predicated on general availability for recurring and regularly scheduled duty to meet the anticipated needs of VA.

1. When a consultant or attending is available for duty but is not called to render service on a particular day of the scheduled tour, no recovery proceedings for payment will be instituted.

2. When a consultant or attending is unavailable for a particular period, the individual will be in a nonpay status and the salary reduced for the number of projected visits missed. If the individual is frequently unavailable for call, a change to lump sum fee-basis utilization should be considered.

3. Normally, the number of visits made during the fiscal year will equal or exceed the projected number used in computing the per annum salary. The exception would be those cases of reducing salary for unavailability as outlined in subparagraph 2. However, if experience during the fiscal year shows that the original projection of the need for services was too high or too low, the Chief of Staff will notify the HRM Officer to modify the appointment to reflect the new conditions of utilization. The action will be effective at the beginning of the next pay period.

(b) **Lump-Sum Fee Basis.** This type of utilization is required for intermittent services. In addition, it is required in the employment of consultants and attendings who have been authorized to perform services at other than VA facilities; and when travel is performed on a day immediately before and/or